

## **REMARKS**

Claims 22-66 are pending in the Application and all have been rejected in the Office action mailed January 22, 2009. No claims are amended by this response. Claims 22, 35, and 51 are independent claims from which claims 23-34, 36-50, and 52-66 depend, respectively. Applicants respectfully request reconsideration of pending claims 22-66, in light of the remarks set forth below.

### **Objections to Claims**

Claim 22 was objected due to an informality. The Office recommends changing the term "one of the packet network" to "the packet network". Applicants respectfully submit that the Office has misread the language of the claim that recites, in part, "...a controller for receiving call setup information from one of the packet network and the at least one network interface, the controller adapting the operation of the converter and establishing an association between the packet interface and one of the at least one network interface, based upon the call setup information." Applicants respectfully submit that the language of the claim is correct, and request that the objection to claim 22 be reconsidered and withdrawn.

### **Rejections of Claims**

Claims 22, 25-28, 31, 32, and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy III, et al. (US 5,734,981, hereinafter "Kennedy"). Claims 23, 24, 29, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley, et al. (US 5,526,353, hereinafter "Henley"). Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley, and further in view of Sharman (US 5,774,854). Claims 35, 38-41, 44-47, 51, 54-57, and 60-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, et al. (US 5,438,564, hereinafter "Hemmady"). Claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, and 65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, and further in view of

Henley. Claims 50 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, and further in view of Sharman. Applicants respectfully traverse the rejections for at least the reasons set forth during prosecution, and those that follow.

Applicants again respectfully note that no claims are amended by this response. Therefore, no new issues are raised which would necessitate a new search.

**I. Kennedy Does Not Anticipate Claims 22, 25-28, 31, 32, 34, 35, 38-41, And 44-47**

Claims 22, 25-28, 31, 32, 34, 35, 38-41, and 44-47 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy.

With regard to anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

With regard to independent claim 22, Applicants respectfully submit that claim 22 recites, in part, "...at least one converter for selectively converting information received by the packet interface for transmission via one of the at least one network interface in the associated format, and for selectively converting for transmission via the packet interface information received from the one of the at least one network interface in the associated format;...." Applicants respectfully maintain that Kennedy does not teach or suggest at least this aspect of Applicants' claim 22.

The Office again asserts, at page 3, that Kennedy teaches "...at least one converter (174, 176, FIG. 3) for selectively converting information received by the packet interface (call delivery information) for transmission via one of the at least one network interface in the associated format (column 12, lines 38-42), and for selectively

converting for transmission via the packet interface information received from the one of the at least one network interface in the associated format (column 12, lines 30-33);....” See January 22, 2009 Office action at page 3; April 1, 2008 Office action at page 5. Applicants respectfully disagree with this repeated rejection. To aid understanding, Applicants have reproduced Fig. 3. of Kennedy, below:

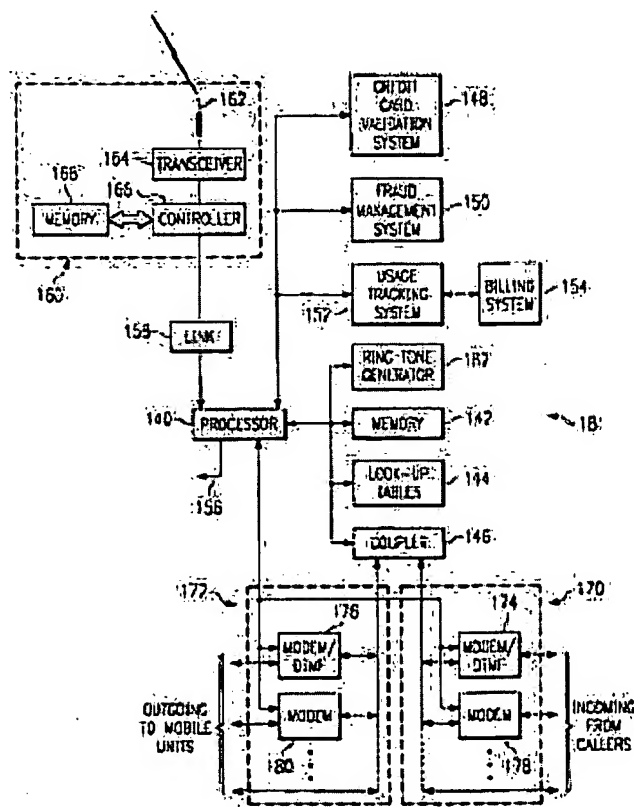


FIG. 3

Applicants respectfully submit that Fig. 3 of Kennedy shows a number of elements, some connected by lines and arrows. While a line may represent communication between two elements, there is nothing in Fig. 3 of Kennedy that provides any details about any interactions. In other words, Fig. 3 does not tell what is communicated or passed, when, how, or why. Further, the mere fact that one may be

able to find a path between two elements through other elements does not mean that Kennedy teaches that those two elements, in fact, communicate with one another.

Applicants respectfully submit that Kennedy teaches that elements 174 and 176 of Fig. 3 of Kennedy are "modem and DTMF coder/decoders". See *id.* at column 11, lines 52-56. Applicants respectfully maintain that nothing in cited Fig. 3 of Kennedy teaches that any information received by "data transceiver 160" of Kennedy, which was identified by the Office as teaching Applicants' "packet interface", is converted by "modem/DTMF 174 and 176" of Fig. 3 of Kennedy, for transmission via one of "links 170, 172". Further, Applicants respectfully maintain that nothing in Fig. 3 of Kennedy teaches that any information received via one of "links 170, 172" of Kennedy, which the Office identified as teaching Applicants' "...at least one network interface...", is converted by "modem/DTMF 174 and 176" of Fig. 3 of Kennedy, for transmission by the "data transceiver 160" of Kennedy, which was identified by the Office as teaching the "packet interface" element of Applicants' claim 22. Therefore, Applicants respectfully submit that the cited elements 174 and 176 of Fig. 3 of Kennedy do not teach or suggest, at least, "...at least one converter for selectively converting information received by the packet interface for transmission via one of the at least one network interface in the associated format, and for selectively converting for transmission via the packet interface information received from the one of the at least one network interface in the associated format;...", as recited by Applicants' claim 22.

The Applicants once again address the cited teachings of Kennedy at column 12, lines 38-42, shown below in context and underlined:

Platform 18 receives a call for mobile unit 12 on link 170. A caller 36 establishes a connection with link 170 by placing a call, such as a 1+800 call, to platform 18 or by placing a call to home switch 42 or other switches 48, which then direct the call to platform 18. Caller 36 enters a telephone number or other mobile unit identification number, which is decoded by modem/DTMF 174 or modem 178 and passed to processor 140. Processor 140 validates the mobile unit identification number and upon validation accesses the most recent call delivery information report

stored in memory 142 indexed by the mobile unit  
identification number.  
(emphasis added)

This cited portion of Kennedy merely teaches that a caller wishing to contact a mobile unit first calls "platform 18", "home switch 42", or "other switches 48", which then direct the call to "platform 18". The caller then enters a telephone number or other identification number, that "processor 140" then validates. The "processor 140" then accesses the most recent "call delivery information report" in memory. This portion of Kennedy, specifically cited by the Office as teaching Applicants' feature does not, however, teach or suggest "...converting information received by the packet interface for transmission via one of the at least one network interface in the associated format...", as recited by Applicants' claim 22. There is nothing in the cited portion of Kennedy shown above that teaches that any information that is received by "data transceiver 160" of Kennedy, which was identified by the Office as teaching Applicants' "packet interface", is converted for transmission via one of "links 170, 172" of Kennedy, which the Office has identified as teaching Applicants' "...at least one network interface...." Indeed, the cited portion of Kennedy fails to even mention the "transceiver 160" or the "links 170, 172". Therefore, Applicants respectfully submit that the cited portion of Kennedy at column 12, lines 38-42 does not teach or suggest, at least, "...at least one converter for selectively converting information received by the packet interface for transmission via one of the at least one network interface in the associated format...", as recited by Applicants' claim 22.

Next, Applicants again address the alleged teachings Kennedy at cited column 12, lines 30-33, show below in context and underlined:

In operation, data transceiver 160 receives a call delivery information report from mobile unit 12. Data transceiver 160 passes the report to processor 140 of platform 18 using link 158. Processor 140 validates the report using fraud management system 150 and logs the report for usage tracking system 152 and billing system 154. Processor 140 stores the call delivery information report time-stamped and indexed by mobile unit identification

number in memory 142. Processor 140 can communicate the call delivery information report using link 156 to home switch 42, other switches 48, or other platforms 18 in a distributed platform system.

The cited portion of Kennedy shown above simply teaches a "processor" receiving a "call delivery information report". The "processor" then validates and logs the report, stores it, and may later communicate the report to "other switches" or "platforms". Kennedy clearly states at column 11, lines 7-10 that "Processor 140 communicates the "call delivery information report" to other similarly functioning platforms in a distributed platform embodiment or with home switch 42 or other switches 48 over communications link 156." (emphasis added) Initially, Applicants respectfully submit that it is clear from even a cursory review of Fig. 3 of Kennedy that "communication link 156" is different from "data transceiver 160" of Kennedy, which was identified by the Office as teaching Applicants' "packet interface". The "communication link 156" does not connect to "data transceiver 160". Further, the cited portion of Kennedy shown above fails to even mention "links 170, 172", let alone teach that any information received via one of "links 170, 172" of Kennedy, which the Office has identified as teaching Applicants' "...at least one network interface....", is converted for transmission by the "data transceiver 160" of Kennedy, which was identified by the Office as teaching the "packet interface" element of Applicants' claim 22. Therefore, Applicants respectfully maintain that the cited portion of Kennedy at column 12, lines 30-33 also does not teach or suggest, at least, "...converting for transmission via the packet interface information received from the one of the at least one network interface in the associated format...", as recited by Applicants' claim 22.

**In response to Applicants' arguments of the Response filed September 2, 2008, the Office stated the following, at page 15 of the Office action of January 22, 2009:**

Kennedy teaches a modem and DTMF encoder/decoder (e.g. 174, FIG. 3). The modem and DTMF encoder/decoder converts call data received by interface

160 from data network 16 for transmission to PSTN network 38 via interface 170. The modem and DTMF encoder/decoder also converts call data received by interface 170 from PSTN network 38 for transmission to data network 16 via interface 160. The main functionalities of a modem, which are to convert digital signals to signals that can be transmitted over a phone line such as a used in a typical PSTN network and convert signals from a phone line back to digital signals, although may not be explicitly disclosed in Kennedy, is well known to one skilled in the art. By applying broad interpretation, Examiner believes that the prior arts can be properly and reasonably applied to the claim limitations.

Applicants respectfully note that in response to Applicants' arguments of September 2, 2008, the Office simply asserts "[t]he modem and DTMF encoder/decoder converts call data received by interface 160 from data network 16 for transmission to PSTN network 38 via interface 170," without identifying any support from Kennedy beyond that previously cited. Applicants have shown above that cited elements "174" and "176" of Fig. 3, and the cited text at column 12, lines 30-33 and column 12, lines 38-42 do not teach what is asserted, and also fail to support the assertion by the Office that Kennedy teaches "[t]he modem and DTMF encoder/decoder converts call data received by interface 160 from data network 16 for transmission to PSTN network 38 via interface 170." The response by the Office also asserts that Kennedy teaches "[t]he modem and DTMF encoder/decoder also converts call data received by interface 170 from PSTN network 38 for transmission to data network 16 via interface 160." Again, the Office provide no support for this statement other than the previously cited teachings of Kennedy of cited elements "174" and "176" of Fig. 3, and the cited text at column 12, lines 30-33 and column 12, lines 38-42, which Applicants have addressed above and which Applicants have shown fail to provide the required support. Applicants respectfully point out that M.P.E.P. §2131 clearly states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," and that "[t]he identical invention

must be shown in as complete detail as is contained in the ... claim." Applicants respectfully submit that the portions of Kennedy cited by the Office fail to teach each and every element of Applicants' claim 22, as required by M.P.E.P. §2131, that the response to Applicants' argument set forth by the Office does not overcome Applicants' arguments filed September 2, 2008, and that claim 22 is allowable.

Applicants respectfully maintain that independent claim 22 also recites, in part, "...a controller for receiving call setup information from one of the packet network and the at least one network interface, the controller adapting the operation of the converter and establishing an association between the packet interface and one of the at least one network interface, based upon the call setup information." Applicants respectfully maintain that Kennedy does not teach or suggest at least this additional aspect of Applicants' claim 22.

The Office continues to assert, at page 3, that Kennedy teaches "...a controller (166, FIG. 3) for receiving call setup information (call delivery information) from one of the packet network (16, FIG. 1) and the at least one network interface (column 11, lines 33-35), the controller adapting the operation of the converter and establishing an association between the packet interface (160, FIG. 3) and one of the at least one network interface (170, FIG. 3), based upon the call setup information (column 11, lines 48-51, column 12, lines 50-54);." See January 22, 2009 Office action at page 3; April 1, 2008 Office action at page 5. Applicants continue to respectfully disagree with the Office.

Applicants again address the teachings of Fig. 3 of Kennedy. The Office cites elements "160", "166" and "170" as relevant to the Applicants' claim 22. Applicants respectfully submit that elements "160", "166", and "170" are illustrated in Fig. 3 of Kennedy simply as boxes, and that nothing in the illustration of Fig. 3 teaches anything about, for example, "...the controller adapting the operation of the converter and establishing an association between the packet interface and one of the at least one



network interface, based upon the call setup information...", as recited by Applicants' claim 22. The Office identifies Applicants' "controller" and the "converter" of claim 22 as being taught by element "166" and "modem/DTMF 174, 176" of Fig. 3, respectively, which Kennedy identifies as "controller 166" and "modem and DTMF coder/decoders 174 and 176". Kennedy states, at col. 11, lines 33-37, that "[c]ontroller 166 receives the report from transceiver 164 and passes the report to processor 140 over link 158. Controller 166 accesses operational software and other data stored in memory 168 to control the operation of data transceiver 160." Again, as stated above with regard to the purported teachings of Fig. 3, the mere fact that one may be able to find a path between two elements through other elements does not mean that Kennedy teaches that those two elements, in fact, communicate with one another. Fig. 3 of Kennedy fails to teach or suggest that "controller 166" adapts the operation of the converter (i.e., "modem/DTMF 174, 176") and establishes an association between the packet interface, identified by the Office as being taught by "element 160" of Fig. 3, and one of the at least one network interface, identified by the Office as being taught by "element 170" of Fig. 3, based upon "call delivery information". The Office action fails to provide any details or explanation with regard to how Fig. 3 of Kennedy can be interpreted in this manner. M.P.E.P. §2131 clearly states that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Applicants respectfully submit, therefore, that the cited elements of Fig. 3 of Kennedy fail to teach or suggest, at least, "...the controller adapting the operation of the converter and establishing an association between the packet interface and one of the at least one network interface, based upon the call setup information...", as recited by Applicants' claim 22.

Applicants once again address the alleged teachings of Kennedy at cited column 11, lines 33-35, column 11, lines 48-51, and column 12, lines 50-54. Applicants first address the portion of Kennedy at column 11, lines 33-35 is shown below in context and underlined:

Data transceiver 160 is similar in construction and operation to data transceiver 100 in mobile unit 12. Data transceiver 160 includes antenna 162, transceiver 164,

controller 166, and memory 168. In operation, data transceiver 160 receives data messages from and transmits data messages to mobile unit 12 using data communications network 16. In a typical configuration, data transceiver 160 receives call delivery information reports from many mobile units 12 and requires a higher capacity design than data transceiver 100 in mobile unit 12. Antenna 162 receives an incoming call delivery information report from mobile unit 12 and passes the report to transceiver 164. Controller 166 receives the report from transceiver 164 and passes the report to processor 140 over link 158. Controller 166 accesses operational software and other data stored in memory 168 to control the operation of data transceiver 160. Data transceiver 160 also receives call back messages from platform 18 using link 158, and transmits call back messages to mobile unit 12 using data communications network 16. The call back message transmitted by data transceiver 160 can be broadcast without the need for location information of mobile unit 12, or data transceiver 160 can use location information of mobile unit 12 stored at platform 18 to communicate the call back message.

(emphasis added)

The cited portion of Kennedy shown above simply describes the elements of a "data transceiver", teaches that the data transceiver receives and transmits data messages from/to a mobile unit using a data communications network, and teaches that the data transceiver receives call delivery information reports from many mobile units. It also explains that the data transceiver receives "call back messages" from "platform 18" using a "link 158", and transmits "call back messages" to a mobile unit using "data communications network 16". The portion of Kennedy shown above fails to even mention the "modem/DTMF 174, 176", let alone teach that the "controller 166" adapts the operation of the "modem/DTMF 174, 176", or establishes an association between the "data transceiver 160" and the "link 170", based upon the "call delivery information", as alleged by the Office. Therefore, Applicants respectfully submit that the portion of Kennedy at column 11, lines 33-35 fails to teach or suggest, at least, Applicants' feature "...the controller adapting the operation of the converter and establishing an

association between the packet interface and one of the at least one network interface, based upon the call setup information...", as recited by Applicants' claim 22.

Next, Applicants address the alleged teachings of Kennedy at column 11, lines 48-51, which is shown below in context, underlined:

Coupler 146 in platform 18 couples links 170 with links 172, also referred to in the singular as link 170 and link 172. Links 170 couple platform 18 with PSTN 38, other networks 41, home switch 42, and other switches 48 to allow callers 36, desiring to place a call to mobile unit 12, to connect with platform 18. Links 172 couple platform 18 with mobile unit 12. Links 170 and links 172 can include modem and DTMF coder/decoders 174 and 176 or modems 178 and 180. Platform 18 supports voice calls, voice calls with embedded or interleaved data, and partially or fully encoded data calls using modem/DTMF 174 and 176 or modem 178 and 180. Coupler 146, under the direction of processor 140, couples link 170 with link 172 to complete delivery of a call from caller 36 to mobile unit 12. Coupler 146, link 170, and link 172 include the appropriate hardware and software to control the dialing and call answering capabilities of platform 18.

(underline added)

The portion of Kennedy shown above teaches that a coupler in a platform, under the direction of a processor, couples a first link to a PSTN, other networks, a home switch, or other switches, with a link to a mobile unit, to complete delivery of a call from a caller to the mobile unit, and that the platform supports voice calls, voice calls with embedded or interleaved data, and partially or fully encoded data calls using a modem and/or modem/DTMF encoder/decoder. This portion of Kennedy, which includes the portion specifically cited by the Office, fails to make any mention of "controller 166", which the Office has identified as teaching Applicants' "controller", and fails to teach or suggest that "controller 166" adapts the operation of the "modem/DTMF 174, 176" and establishes an association between the "data transceiver 160" and the "link 170", based

upon the "call delivery information", as alleged by the Office. Therefore, Applicants respectfully maintain that the cited portion of Kennedy at column 11, lines 48-51 also fails to teach or suggest, at least, Applicants'; feature "...the controller adapting the operation of the converter and establishing an association between the packet interface and one of the at least one network interface, based upon the call setup information...", as recited by Applicants' claim 22.

Finally, Applicants turn to the alleged teachings of Kennedy at column 12, lines 50-54, which is shown below in context and underlined:

Depending on the type of call delivery information retrieved from memory 142, processor 140 performs additional processing using look-up tables 144 to determine a proper dialing number and method to establish communications with mobile unit 12. Processor 140 directs coupler 146 to place a call to mobile unit 12 using link 172. Upon establishing a communications link with mobile unit 12, coupler 146 couples link 170 connecting caller 36 with link 172 connecting mobile unit 12.

The portion of Kennedy shown above teaches that a "processor 140" performs additional processing to determine a dialing number and method depending upon the type of call delivery information retrieved from memory. This portion of Kennedy does not, however, make any mention of "controller 166", which the Office has identified as teaching Applicants' "controller", let alone teach that "controller 166" adapts the operation of the "modem/DTMF 174, 176" and establishes an association between the "data transceiver 160" and the "link 170", based upon the "call delivery information", as alleged by the Office. Again, Applicants respectfully submit that the Office has failed to explain how and why this portion of Kennedy teaches what is asserted by the Office, and has not established a *prima facie* case of anticipation. Accordingly, Applicants respectfully submit that the cited portion of Kennedy at column 12, lines 50-54 does not teach or suggest, at least, Applicants'; feature "...the controller adapting the operation of

the converter and establishing an association between the packet interface and one of the at least one network interface, based upon the call setup information...", as recited by Applicants' claim 22.

**In response to Applicants' arguments of the Response filed September 2, 2008, the Office stated the following, at page 15 of the Office action of January 22, 2009:**

Applicants further argue that Kennedy does not disclose a controller for receiving call setup information from one of the packet network and the at least one network interface, the controller adapting the operation of the converter and establishing an association between the packet interface and one of the at least one network interface, based upon the call setup information (Remarks, page 18 - 22). Examiner respectfully disagrees. Kennedy teaches a controller (166, FIG. 3) for receiving call delivery information from a mobile unit (12, Fig. 1) via a data communication network (e.g. 16 and 20 on FIG. 1). A modem/DTMF (e.g. 174, Fig. 3) which receives a call from a caller (36, Fig. 1) for the mobile unit uses the call delivery information received by the controller (166) and a call connection (214, Fig. 4) between the mobile unit (12, Fig. 1) and the caller (36, Fig. 1) is established. By applying broad interpretation, Examiner believes that the prior arts can be properly and reasonably applied to the claim limitations.

The Office asserts above that "Kennedy teaches a controller (166, FIG. 3) for receiving call delivery information from a mobile unit (12, Fig. 1) via a data communication network (e.g. 16 and 20 on FIG. 1). A modem/DTMF (e.g. 174, Fig. 3) which receives a call from a caller (36, Fig. 1) for the mobile unit uses the call delivery information received by the controller (166) and a call connection (214, Fig. 4) between the mobile unit (12, Fig. 1) and the caller (36, Fig. 1) is established." (emphasis added) Applicants respectfully submit that even if the Applicants agreed that these statements are supported by Kennedy, which Applicants do not, "a controller" that receives "call delivery information" from a "mobile unit", and a "data modem/DTMF" which uses the "call delivery information" and the establishment of a connection between the "mobile

unit" and the "caller" does not teach or suggest "a controller for receiving call setup information from one of the packet network and the at least one network interface, the controller adapting the operation of the converter and establishing an association between the packet interface and one of the at least one network interface, based upon the call setup information," as claimed.

Applicants respectfully submit that Kennedy fails to teach or suggest that "the controller 166" even communicates with the cited "modem/DTMF 174", let alone that it "adapts operation" of the "modem/DTMF 174", as asserted by the Office. Instead, Kennedy states only the following two things about "controller 166" - (1) that "controller 166 receives the report from transceiver 164 and passes the report to processor 140 over link 158," and that (2) "controller 166 accesses operational software and other data stored in memory 168 to control the operation of data transceiver 160." See col. 11, lines 33-37. Nothing is said about "modem/DTMF 174" of Kennedy. Applicants have been unable to find any teaching or suggestion in Kennedy that "controller 166" "adapt[s] the operation" of the "modem/DTMF 174" and "establish[es] an association between the packet interface and one of the at least one network interface, based upon the call setup information," as claimed. Applicants respectfully point out that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," and that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. §2131 Therefore, Applicants respectfully submit that the Office has not overcome Applicants' arguments of the response filed September 2, 2008, that the Office has not established a *prima facie* case of anticipation, and that claim 22 is allowable over Kennedy.

Based at least upon the above, Applicants continue to believe that Kennedy fails to teach each and every element of Applicants' claim 22, as required by M.P.E.P. §2131. Applicants respectfully submit that the Office has failed to establish a *prima facie* case of anticipation, and that claim 22 is allowable over Kennedy.

Further, with regard to dependent claim 25, the Office asserts that "Kennedy, III et al teach the device of claim 22 wherein the information exchanged via the packet interface comprises digitized voice information (column 9, lines 65-67, column 10, lines 1-4)." See Office action of January 22, 2009 at page 4. Applicants respectfully disagree. Kennedy recites, at col. 9, lines 65-67 and col. 10, lines 1-4:

Processor 110 is also coupled to input device 122 and output device 124. Input device 122 is a keypad, touch screen, voice recognition software and related hardware, or other device that can accept information, such as digital data or audible commands. Output device 124 conveys information associated with the operation of mobile unit 12, including digital data, visual information, or audio information.

The cited portion of Kennedy shown above merely teaches that a "processor 110" is coupled to input and output devices, and that the input device may be "voice recognition software and related hardware." Applicants respectfully submit that the Office cites the portion of Kennedy shown above as the only support for the rejection. The cited portion of Kennedy, however, fails to even mention "data transceiver 160", the element of Kennedy identified as teaching Applicants' claimed "packet interface", let alone teach or suggest that the information exchanged via "data transceiver 160" comprises "digitized voice information". Applicants have been unable to discern any teaching or suggestion in Kennedy that the "data transceiver 160" exchanges digitized voice information. Applicants respectfully submit, therefore, that the Office has not shown where Kennedy teaches Applicants' claim 25, and that claim 25 is independently allowable over Kennedy.

Further, with regard to dependent claim 31, the Office asserts that "Kennedy, III et al teach the device of claim 27 wherein the at least one network interface is a digital interface (20, FIG. 1, column 7, lines 34-42, column 8, lines 6-9)." See Office action of January 22, 2009 at page 4. Applicants respectfully note that the Office identified "links

170, 172" of Fig. 3 of Kennedy as teaching Applicants' "at least one network interface."

See Office action at page 3. Kennedy recites, at col. 7, lines 34-42:

Mobile voice communications network 20 represents any technology that supports mobile voice communications. Mobile voice communications network 20 can be the cellular telephone network, or any other satellite-based or land-based mobile voice communications network, such as a specialized mobile radio (SMR), an enhanced specialized mobile radio (ESMR), a personal communications service (PCS), a citizens band (CB), a dedicated radio system, such as those used by police and firefighters, or any other suitable mobile voice communications system. In the specific example of a cellular telephone network, mobile voice communications network 20 includes a mobile telecommunications switching office (MTSO) 48 coupled to a cellular transmitter 50 servicing mobile unit 12.

While the portion of Kennedy shown above explains that the "mobile voice communication network 20" represents any technology that supports mobile voice communication, and proceeds to provide examples of radio frequency communication technologies. Applicants respectfully submit that this portion of Kennedy is silent with respect to "links 170, 172" or a "digital interface", and thus does not teach or suggest that "links 170, 172" are digital interfaces, in accordance with Applicants' claim 31. Applicants now review Kennedy at cited col. 8, lines 6-9, which recite:

...reported call delivery information. Platform 18 uses the call delivery information to establish a communications link between platform 18 and mobile unit 12 using mobile voice communications network 20. Upon establishing a communication link, platform 18 connects the call from caller 36 to mobile unit 12.

Again, this cited portion of Kennedy also fails to make any mention of "links 170, 172" or a "digital interface", and therefore cannot teach or suggest that Applicants' claimed element "at least one network interface" is a "digital interface", in accordance with Applicants' claim 31. The Office has not explained how and why the cited portions



of Kennedy, including "element 20" of Fig. 1, teach Applicants' claim elements. For at least these reasons, Applicants respectfully submit that the Office has not shown that Kennedy teaches all of the elements of claim 31 and therefore has not established a *prima facie* case of anticipation. Applicants respectfully submit, therefore, that claim 31 is also independently allowable over Kennedy.

Further, with regard to dependent claim 32, the Office asserts that Kennedy teaches "...the device of claim 22 wherein the at least one network interface is a second packet interface (172, FIG. 3, column 11, lines 51-52). Applicants respectfully disagree. Kennedy recites, at col. 11, lines 51-56:

...platform 18. Links 172 couple platform 18 with mobile unit 12. Links 170 and links 172 can include modem and DTMF coder/decoders 174 and 176 or modems 178 and 180. Platform 18 supports voice calls, voice calls with embedded or interleaved data, and partially or fully encoded data calls using modem/DTMF 174 and 176 or modem 178 and 180.

(emphasis added)

Applicants respectfully submit that the cited portion of Kennedy, shown underlined above, fails to even mention "packet" or "packet interface". Applicants respectfully submit that the mere mention of a "modem" or "DTMF coders/decoders" does not teach or suggest a "packet interface". To the extent that the Office may be impliedly asserting that the cited passage inherently teaches a "packet interface", Applicants respectfully submit that the Office has not met the requirements for an assertion of inherency. See M.P.E.P. §2112. Applicants again note that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a **single** prior art reference," and that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. §2131. For at least these reasons, Applicants respectfully submit that the Office has not shown that Kennedy teaches all of the elements of claim 32, that a *prima*

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Filing Date: February 20, 2004  
Amendment dated April 28, 2009  
Reply to Office action mailed January 22, 2009

*facie* case of anticipation has not been established, and that claim 32 is also independently allowable over Kennedy.

Therefore, Applicants respectfully submit that claim 22 is allowable over Kennedy. Applicants respectfully submit that because claims 23-34 depend from allowable claim 22, claims 23-34 are also allowable, for at least the reasons set forth above. In addition, Applicants have shown that claims 25, 31, and 32 are independently allowable over Kennedy. Accordingly, Applicants respectfully request that the rejection of claims 22, 25-28, 31, 32, and 34 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

Applicants respectfully note that the remaining rejections of the Office action are for alleged reasons of obviousness. Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

In addition, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d

981, 180 USPQ 580 (CCPA 1974). (emphasis added) "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (emphasis added) If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

## **II. The Proposed Combination Of Kennedy And Henley Does Not Render Claims 23, 24, 29, And 33 Unpatentable**

Claims 23, 24, 29, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley. Applicants respectfully submit that claims 23, 24, 29, and 33 depend from independent claim 22. Applicants respectfully submit that claim 22 is allowable over the proposed combination of Kennedy and Henley, in that the Office has not asserted that Henley teaches the deficiencies of Kennedy set forth above. Because claim 22 is allowable over the proposed combination of references, Applicants respectfully submit that claims 23, 24, 29, and 33 that depend therefrom are also allowable, for at least the same reasons. Therefore, Applicants respectfully request that the rejection of claims 23, 24, 29, and 33 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

## **III. The Proposed Combination Of Kennedy, Henley, And Sharman Does Not Render Claim 30 Unpatentable**

Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley, and further in view of Sharman. Applicants respectfully submit that claim 30 depends indirectly from independent claim 22. Applicants respectfully submit that claim 22 is allowable over the proposed combination of Kennedy, Henley, and Sharman, in that the Office has not asserted that either or both of Henley and Sharman teach the deficiencies of Kennedy, as set forth above. Because claim 22 is allowable over the proposed combination of references, Applicants respectfully submit that claim 30 that depends therefrom is also allowable, for at least

the same reasons. Therefore, Applicants respectfully request that the rejection of claim 30 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **IV. The Proposed Combination Of Kennedy And Hemmady Does Not Render Claims 35, 38-41, 51, 54-57, And 60-83 Unpatentable**

Claims 35, 38-41, 44-47, 51, 54-57, and 60-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady. Applicants respectfully traverse the rejection.

As an initial matter, Applicants respectfully submit that identified U.S. Patent No. 5,438,564 was issued to Takahashi, not Hemmady. Applicants assume that U.S. Patent No. 5,438,565 to Hemmady, et al. is the reference that was intended.

With regard to Independent claim 35, Applicants respectfully note that claim 35 recites, "[a] method for communicatively coupling a packet network to at least one communication network having a different information format, the method comprising: receiving call setup information from one of the packet network and the at least one communication network; establishing an association between the packet network and one of the at least one communication network based upon the call setup information; receiving information from the packet network in a first information format; converting the received information from the first information format to a second information format based upon the call setup information; sending the converted information via the one of the at least one communication network; accepting information from the one of the at least one communication network in the second information format; transforming the accepted information from the second information format to the first information format based upon the call setup information; and transmitting the transformed information via the packet network." Claim 51 recites similar limitations. Applicants respectfully submit that the proposed combination of Kennedy and Hemmady does not teach or suggest all of the features of claims 35 and 51.

The Office states, at page 8, "[r]egarding claims 35 and 51, Kennedy, III et al teach a system and a method for communicatively coupling a packet network (16, FIG.

1) to at least one communication network (38, FIG. 1) having a different information format, the method comprising: - receiving call setup information (call delivery information) from one of the packet network (16, FIG. 1) and the at least one communication network (column 3, lines 40-43); - establishing an association between the packet network (16, FIG. 1) and one of the at least one communication network (38, FIG. 1) based upon the call setup information (column 8, lines 4-9);....” Thus, the Office identifies the “data communications network 16” of Kennedy as teaching Applicants’ “packet network” and the “public switched telephone network (PSTN) 38” of Kennedy as teaching Applicants’ “at least one communication network” of claims 35 and 51. Applicants respectfully note that it is well known to those of ordinary skill in the relevant art that the “public switched telephone network” transports voice band signals sent by one party to another.

Applicants respectfully submit that the Office has not shown where Kennedy teaches that information from the “data communications network 16” is communicatively coupled to the “public switched telephone network (PSTN) 38,” as required by claims 35 and 51. While Kennedy does disclose, at col. 4, lines 65-67, that “[m]obile unit 12 communicates the call delivery information report over data link 22 of data communication network 16 to platform 18,” the Office has not shown that such “call delivery information” or any other information from “data communication network 16” is passed to “PSTN 38”. Similarly, the Office has not shown where information from the “PSTN 38” is passed to the “data communication network 16” of Kennedy. Further, the Office does not assert that Hemmady teaches this shortcoming of Kennedy. Thus, for this reason alone, Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness, and that claims 35 and 51 are allowable over the proposed combination of Kennedy and Hemmady.

Applicants appreciate recognition by the Office that “Kennedy, III et al. does [sic] not teaches [sic] receiving information from the packet network in a first information; converting the received information from the first information format to a second information format based upon the call setup information; sending the converted

information via the one of the at least one communication network; accepting information from the one of the at least one communication network in the second information format; transforming the accepted information from the second information format to the first information format based upon the call setup information and transmitting the transformed information via the packet network."

However, the Office then turns to Hemmady, stating at pages 9-10 that "Hemmady et al. teaches receiving information from the packet network in a first information [format]; converting the received information from the first information format to a second information format based upon the call setup information; sending the converted information via the one of the at least one communication network; accepting information from the one of the at least one communication network in the second information format; transforming the accepted information from the second information format to the first information format based upon the call setup information and transmitting the transformed information via the packet network (column 4, lines 23 - 30; speech processors receives packet data from a packet network and convert them to signal data suitable for transmission over a PNTN [sic, PSTN] network; speech processors also receives [sic] signal data from a PSTN network and convert them to packet data suitable for transmission over a packet network)." Applicants respectfully note that the Office cites only Hemmady and only at col. 4, lines 23-30 as teaching the admitted deficiencies of Kennedy. Applicants will now address Hemmady at col. 4, lines 23-30, which recites:

Speech processors 57 and 59 determine which packets include a two-part address 25 that describes themselves (as will be defined below), receive them, and translate the packets into switchable 64K bps PCM. In the reverse direction, speech processors 57 and 59 receive 64K bps PCM, translate it into packets, add a two-part address, and send the packets 30 out onto a bus 61.

The cited portion of Hemmady simply teaches the translation of speech packets into 64K bps PCM and 64K bps PCM into speech packets. Applicants respectfully note

that Hemmady teaches the translation of speech information, and that the Office is suggesting that Hemmady's translation of speech information from/to packets to/from PCM teaches Applicants "converting the received information from the first information format to a second information format" and "transforming the accepted information from the second information format to the first information format." Applicants respectfully submit that the cited portion of Hemmady teaches that translation of packets to PCM is based only on whether they include a "two-part address," and that the translation of PCM to packets is not based on anything. Applicants respectfully submit that because the Office has admitted Kennedy does not teach these features of Applicants' claims 35 and 51, and Applicants have now shown that Hemmady also does not teach at least these aspects of Applicants' claims 35 and 51, Applicants respectfully submit that the proposed combination of Kennedy and Hemmady necessarily cannot teach these aspects of Applicants' claims 35 and 51. Applicants respectfully note that "to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Thus, claims 35 and 51 are allowable over Kennedy and Hemmady.

In addition, even if Applicants were to agree that Hemmady teaches Applicants' "conversion" and "translation" as claimed, which Applicants do not, the Office has failed to show where Kennedy teaches that any information is communicated from/to the "data communication network 16" to/from the "PSTN 38" of Kennedy. Nothing in the cited portions of Kennedy sets forth such a teaching, and the Office fails to show how and why Hemmady teaches this missing aspect of Kennedy.

As noted above, the Office has not shown where Kennedy teaches that information from the "data communications network 16" is communicatively coupled to the "public switched telephone network (PSTN) 38," as required by claims 35 and 51. While Kennedy does disclose, at col. 4, lines 65-67, that "[m]obile unit 12 communicates the call delivery information report over data link 22 of data communication network 16 to platform 18," the Office has not shown that such "call delivery information" or any other information from "data communication network 16" is passed to "PSTN 38".

Similarly, the Office has not shown where information from the "PSTN 38" is passed to the "data communication network 16" of Kennedy. Further, the Office does not assert that Hemmady teaches this shortcoming of Kennedy. Thus, for this reason alone, Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness, and that claims 35 and 51 are allowable over the proposed combination of Kennedy and Hemmady.

Further, to the extent that the Office is suggesting that Kennedy be modified to communicate converted [voice band] signals to/from the "PSTN 38" from/to the "data communication network 16", Applicants respectfully submit that Kennedy teaches away from using a combined data and voice communication network. See Kennedy at col. 5, lines 21-54. In addition, such a modification of Kennedy would substantially change the principles of operation of Kennedy, in that Kennedy teaches that the "data communication network 16" is used for communication of "call delivery information" for calls carried by the "mobile voice communications network 20". See col. 3, lines 19-30. M.P.E.P. §2143.01(VI) states that "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." For at least these reasons, there is no suggestion to combine Kennedy and Hemmady to communicate converted [voice band] signals to/from the "PSTN 38" from/to the "data communication network 16".

Based at least upon the above, Applicants respectfully submit that the Office has failed to show where the proposed combination of Kennedy and Hemmady teaches all of the elements of Applicants' claims 35 and 51, as required by M.P.E.P. §2142, that the Office has failed to establish a *prima facie* case of obviousness, and that claims 35 and 51 are not rendered unpatentable by Kennedy and Hemmady.

In addition, with regard to claims 38 and 54, the Office asserts that "Kennedy, II et al teach the method of claim 35 wherein the information exchanged via the packet network comprises digitized voice information (column 9, lines 65-67, column 10, lines 1-4). Applicants respectfully note that the Office cites only Kennedy and only at col. 9,



lines 65-67 and col. 10, lines 1-4. Applicants have addressed the features of claims 38 and 54 above with regard to the rejection of claim 25 over Kennedy, and have shown that Kennedy does not teach or suggest, at least, "wherein the information exchanged via the packet network comprises digitized voice information," as claimed. Because the Office cites only Kennedy, Applicants respectfully submit that the Office has failed to show where the proposed combination of Kennedy and Hemmady teach all of the limitations of claims 38 and 54, as required by M.P.E.P. §2142, and that claims 38 and 54 are independently allowable.

With regard to claims 41 and 57, the Office asserts that "Kennedy, II et al teach the method of claim 35 wherein the at least one communication network is a second packet network (172, FIG. 3, column 11, lines 51-52)." Applicants respectfully note that the Office cites only Kennedy and only at "element 172" of Fig. 3 and col. 11, lines 51-52. Applicants have addressed the features of claims 41 and 57 above with regard to the rejection of claim 32 over Kennedy, and have shown that Kennedy does not teach or suggest, at least, "wherein the at least one communication network is a second packet network," as claimed. Because the Office cites only Kennedy, Applicants respectfully submit that the Office has failed to show where the proposed combination of Kennedy and Hemmady teach all of the limitations of claims 41 and 57, as required by M.P.E.P. §2142, and that claims 41 and 57 are independently allowable.

With regard to claims 45 and 61, the Office asserts that "Kennedy, II et al teach the method of claim 44 wherein the second information format is an analog format (column 12, lines 55-56; PSTN 38 can include traditional landline telephone adapted to making analog phone calls - column 6, lines 8-9)." Applicants respectfully note that the Office cites only Kennedy and only element "PSTN 38" and col. 12, lines 55-56. The Office appears to be suggesting that the "PSTN 38" teaches Applicants' "at least one communication network". Applicants have shown above that Kennedy does not teach communication of digitized voice information over the "data communication network 16", which the Office has identified as Applicants' "packet network". Because Applicants' claims 35 and 51 require that information received from the "packet network" is

converted and sent over the "at least one communication network", and that information received from the "at least one communication network" is format converted and sent over the "packet network," the suggestion by the Office necessarily requires that digitized voice information be passed to the "packet network" of Applicants' claims 35 and 51. The Office, however, has not shown where Kennedy teaches that the "data communication network 16" carries digitized voice information. Therefore, for at least these reasons, the Office has failed to show that Kennedy teaches the features of claims 45 and 61. Because the Office cites only Kennedy, Applicants respectfully submit that the Office has failed to show where the proposed combination of Kennedy and Hemmady teach all of the limitations of claims 45 and 61, as required by M.P.E.P. §2142, and that claims 45 and 61 are independently allowable.

Therefore, Applicants believe that claims 35 and 51 are allowable over the proposed combination of Kennedy and Hemmady. Because claims 36-50 and 52-66 depend from allowable independent claims 35 and 51, Applicants respectfully submit that claims 36-50 and 52-66 are also allowable, for at least the same reasons. Further, Applicants have shown that claims 38, 41, 45, 54, 57, and 61 are independently allowable. Accordingly, Applicants respectfully request that the rejection of claims 35, 38-41, 44-47, 51, 54-57, and 60-63 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**V. The Proposed Combination Of Kennedy, Hemmady, And Henley Does Not Render Claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, And 65 Unpatentable**

Claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, and 65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, and further in view of Henley. Claims 36, 37, 42, 43, 48, and 49 depend from independent claim 35, and claims 52, 53, 58, 59, 64, and 65 depend from independent claim 51. Applicants respectfully submit that claims 35 and 51 are allowable over the proposed combination of references, for at least the reason that Henley fails to remedy the shortcomings of Kennedy and Hemmady, set forth above. Because claims 35 and 51 are allowable over

the proposed combination of Kennedy, Hemmady, and Henley, Applicants respectfully submit that claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, and 65 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, and 65 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **VI. The Proposed Combination Of Kennedy, Hemmady, And Sharman Does Not Render Claims 50 And 66 Unpatentable**

Claims 50 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, and further in view of Sharman. Applicants respectfully note that claim 50 depends from independent claim 35, and claim 66 depends from independent claim 51. Applicants respectfully submit that claims 35 and 51 are allowable over the proposed combination of references, in that the Office has not asserted that Sharman remedies the shortcomings of Kennedy and Hemmady, set forth above. Because claims 35 and 51 are allowable over the proposed combination of Kennedy, Hemmady, and Sharman, Applicants respectfully submit that claims 50 and 66 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 50 and 66 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **Conclusion**

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

An early Office Action on the merits and allowance of claims 22-66 is respectfully requested.

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The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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